

MINUTES OF REGULAR MEETING April 15, 2015

1. CALL TO ORDER

- 2. "Sunshine Law" Announcement-**Adequate notice of this public meeting has been provided by Amended Annual Notice; published in the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk's Office.

- 3. FLAG SALUTE:** led by Mayor or presiding officer.

4. ROLL CALL

	Present	Absent
Mr. Severino	X	
Mr. Hirt	X	
Ms. McBride	X	
Mr. Bischoff	X	
Mr. Mazza	X	

Mr. Bischoff arrived at 7:04 pm

5. APPROVAL OF PRIOR MEETING MINUTES

- Regular Session Meeting Minutes of April 1, 2015
- Regular and Executive Session Minutes of Special Joint Mtg. with UT Planning Board of April 9, 2015

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff			X			
Mr. Mazza			X			

Motion Carried

6. VISITORS

- Ken Mandoli - Representative from Hunterdon County CART (Community Animal Response Team)
 - Thanked Pattenburg Volunteer Fire Company for their response on February 25, 2015 to a Township residence that had a high level of carbon monoxide. Treated residents, returned and rescued a cat and dog that were overcome by the fumes. Necessary treatment was administered and both animals are doing well. Noted this was above and beyond the call of duty.

7. REPORTS RECEIVED - Acknowledged

- Road Dept.- Week Ending; 3/27/15; 4/03/15
- Animal Control Officer – March 2015
- Zoning Officer – March 2015 – Ms. McBride commented that some of the information may be from the last report. Check with Mr. Graham.
- Engineer's Report
 - Road Inventory List - Distributed for Committee's review – He and Mr. Hermann would like to discuss at next Committee meeting.

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- Stothoff Farm – Kevin Harris called re: Survey for SADC – Mr. Clerico will check with Mr. Hermann regarding R.O.W. dedication along Finn Road and make recommendation.
- Pilot Travel Centers - Status report on curbing, fence, and pavement – Bollard installed not per approved plans.
- Red Hills Quarry - Working with Atty. Jost – On tonight's agenda.
- Frontage Road – No progress on Bridge.

8. CORRESPONDENCE / WRITTEN COMMUNICATIONS

Ms. McBride mentioned the following correspondence:

- NJ Supreme Court Decision on COAH
- Assembly Bill A-4325 – Supports Resolution

Ms. McBride asked that the following resolution be introduced for adoption:

RESOLUTION #2015-59**A RESOLUTION SUPPORTING ASSEMBLY BILL A-4325**

WHEREAS, Assembly Bill No. A-4325 supplementing chapter 4 of Title 54, R.S.54:4-65 and designated the "Transparent Tax Act of 2015" is being considered for adoption by the New Jersey State Assembly; and,

WHEREAS, the amendment would permit the local jurisdiction to print separate tax bills to each taxpayer, one showing the amount of property taxes due and payable for municipal tax purposes, the other shall state the amount of property taxes due and payable for county purposes, school purposes, fire district purposes, and for the purposes of any other special district on behalf of which the municipality collects property taxes; and,

WHEREAS, both bills shall include a brief tabulation showing the distribution of the total amount to be raised by taxes; and,

WHEREAS, A-4325 would require the municipal tax collector to send notice of the pro rata share, if any, of the property tax appeal refunds paid by the municipality during the tax year to the county, school districts, and fire districts for inclusion in their annual budgets;

WHEREAS, in the following tax year in which the refunds were paid, the municipal tax collector is then required to deduct the applicable pro rata share of the property tax refund from the amounts to be paid to the county, and each school and fire district; and,

WHEREAS, these amendments, if adopted, will assist the general public to understand the tax bill, the structure of the taxes, and the level of support for each agency, and will further provide a more equitable structure to share the obligation of paying approved tax appeals as the title states, creates transparency in the tax supporting local assessments.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Union, County of Hunterdon, and State of New Jersey, hereby supports Assembly Bill A-4325 amending Title 54:4-65 and urges the Legislature to approve and pass the bill for the reasons expressed herein; and,

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BE IT FURTHER RESOLVED that a copy of this resolution be sent to the members of the NJ State Assembly, the members of the NJ Senate, and the Governor of the State of NJ, the New Jersey State League of Municipalities, the Municipal Clerks' Association of New Jersey, and all Hunterdon County municipalities.

Ella M. Ruta, Municipal Clerk

Frank Mazza, Mayor

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion Carried - Subject to Attorney Review.

Mr. Bischoff mentioned the following correspondence:

- UT COAH Plan – Matter for Executive Session
- Legislative Budget Hearings
- Margaret Nordstrom letter re Highlands.

9. PUBLIC COMMENTS - none

10. PUBLIC HEARING – none

11. OLD BUSINESS - none

12. NEW ORDINANCE – 1ST Reading - none

13. NEW BUSINESS

a. **RESOLUTION #2015-60:**

**Adopting Changes to Section Three,
Paid and Unpaid Time Off Policies,
of the Township of Union Personnel Policies and Procedures Manual**

WHEREAS, there is a need to update and clarify Section Three, *Paid and Unpaid Time Off Policies*, of the Township of Union Personnel Policies and Procedures Manual; and good cause appearing

NOW, THEREFORE, BE IT RESOLVED that the attached changes to Section Three of the Township of Union Personnel Policies and Procedures Manual are hereby adopted, and the Personnel Policies and Procedures Manual is hereby amended accordingly; and

BE IT FURTHER RESOLVED that copies of the attached changes shall be provided by the Township Personnel Administrator to all employees of the Township of Union.

Ella M. Ruta, Municipal Clerk

Frank Mazza, Mayor

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Hirt			X			
Ms. McBride		X	X			

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Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion Carried

b. **RESOLUTION #2015-61:**

RESOLUTION #2015-61
Re: Red Hills Industrial Park Inc.
Block 22, Lot 30

WHEREAS, Red Hills Industrial Park, Inc. submitted a Quarry Licensing Application to the Township of Union dated March 20, 2006 with plans entitled “Quarry Licensing Application for Red Hills Industrial Park, Inc.” dated March 2006 and a narrative for Quarry Licensing Application dated March 2006; and

WHEREAS, Red Hills Industrial Park, Inc. submitted Unity Bank Letter of Credit Number UB0001076 dated April 19, 2006 in the amount of \$97,095.00 guaranteeing site screening and reclamation obligations following completion of quarrying activities as required by Union Township Ordinance entitled “An Ordinance Licensing and Regulating Quarrying” in the Township of Union, Hunterdon County, New Jersey specifically Section 1-1.5 thereof and in that certain Engineers Estimate entitled “Engineers Cost Estimate” prepared by Maser Consulting, P.A., Perryville III Corporate Park, 53 Frontage Road, Section 120, P.O. Box 4017, Clinton, New Jersey, 08809 and dated March 22, 2006; and

WHEREAS, the governing body has received a certification dated April 15, 2015, from Township Engineer, Robert J. Clerico, P.E. indicating that Red Hills Industrial Park, Inc. has failed to complete in whole, or in part, site screening and reclamation obligations in said quarry located at Block 22, Lot 30 in the Township of Union, and that notice of said failure was given to Red Hills Industrial Park, Inc. in accordance with the provisions of said letter of credit, at least 30 days prior to the date of the Municipal Engineer’s certification; and good cause appearing,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that this governing body endorses the findings of said engineer with regard to the failure of Red Hills Industrial Park, Inc. to complete, in whole or in part, site screening and reclamation obligations following completion of quarrying activities as required by Union Township Ordinance entitled “An Ordinance Licensing and Regulating Quarrying” in the Township of Union, Hunterdon County, New Jersey specifically Section 1-1.5 thereof and in that certain Engineers Estimate entitled “Engineers Cost Estimate” prepared by Maser Consulting, P.A., Perryville III Corporate Park, 53 Frontage Road, Section 120, P.O. Box 4017, Clinton, New Jersey, 08809 and dated March 22, 2006, and this governing body states that the said reclamation improvements have not been approved or accepted by the Township of Union; and

BE IT FURTHER RESOLVED that the Township Engineer and the Township Attorney are hereby authorized to take all actions necessary to present a draft for payment of said letter of credit in the amount of \$97,095.00 to Unity Bank prior to the termination of said letter of credit of April 19, 2015 at 3:00 p.m.;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Ella M. Ruta, Municipal Clerk

Frank Mazza, Mayor

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			

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Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff	X		X			
Mr. Mazza			X			

Motion Carried

c. **Motion to Approve** – JerseyMan Triathlon on May 16, 2015

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff			X			
Mr. Mazza			X			

Motion Carried, subject to Attorney approval.

14. REPORTS

a. Attorney's Report

- Union Hill Condominiums – Work progressing.
- Land Use Amendments/Zoning Fees – LUC Amendments will be sent to Planning Board Attorney for review.
- Sewer Agreement – Sent to Town of Clinton for their review.
- Water Reservation Ordinance – Spoke with COAH Atty. Drill about the Ordinance since COAH is referenced. Will bring the COAH concern to Township of Clinton Atty. Richard Cushing.
- Matters for Executive Session

b. Committee Report

Mr. Hirt reported the following:

- Mathews Farm – Will be checking next week.
- Union Hill Condominiums - Plans to check with DCA regarding fire walls.

Mr. Severino reported the following:

- Recycling Center – Overload last weekend. Only one dumpster was emptied and no recycling attendants present.
- Pattenburg Trailer Park – Inspecting the Park tomorrow morning, with Ms. McBride.
- Commended Trooper Walsh – Asked that a letter be sent to the Barrack's Commander stating the Township's appreciation. Ms. McBride will write the letter.
- Animal Control Officer – Commended Ms. Roerig on dog-licensing follow up.

Mr. Bischoff reported the following:

- Quote: "It would be foolish to deny that his success was fundamentally rooted in a command of public ideas... Whether we agreed with him or not, Ronald Reagan was a successful candidate and an effective president above all else because he stood for a set of ideas. He stated them in 1980—and it turned out that he meant them—and he wrote most of them not only into public law but into the national consciousness." Edward Kennedy – The Wit and Wisdom of Ronald Reagan.

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- Asked Committee that previously distributed copy of Zoning Officer Job Description be approved:

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt					X	
Ms. McBride		X	X			
Mr. Bischoff			X			
Mr. Mazza			X			

Motion Carried

- Zoning Fee Update - Committee discussed at length. Concerns voiced about system being burdensome for Township residents. Ms. McBride had several concerns. Mr. Severino will prepare a list of his concerns. Mr. Hirt stated his dissatisfaction with many of the proposed fees.

Ms. McBride reported the following:

- Matters for Executive Session
- Upper Raritan Stream Association Cleanup scheduled for April 18, 2015, starting at 9:00 a.m. at the Mulhockaway hunter's parking lot. Asked if Road Dept. could pick up debris on Van Syckel's Road. Mayor Mazza will follow up.
- Water Testing – UTEC and the Upper Raritan Stream Association will be sponsoring a Well Testing Event in May.

c. Mayor's Report

- Brass Castle - Striping of road will probably be done next week.
- Old Municipal Building Site – Damage done by Raritan Valley Vehicle – Clerk will contact Raritan Valley.
- COAH Meeting – To be held at the Town of Clinton Municipal Building on April 30, 2015. Messrs. Bischoff and Mazza will attend and report back to the Committee.

d. Clerk's Report

- Reminded Committee Members to file their Financial Disclosure Statement.

15. PUBLIC COMMENTS

Lola Burd, a Bethlehem Township resident, mentioned dangerous conditions on Frontage Road between Exits 11 and 12. Mayor Mazza said the situation is being addressed. Will speak with DR&F Forman, Mr. Hermann tomorrow morning.

16. PAYMENTS OF BILLS

The approved list of bills and all claims against the Township of Union as appearing in the Claims Register of this date paid and that all checks listed hereinafter issued in payment thereof.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff					X	

Mr. Mazza			X			
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Motion Carried

17. EXECUTIVE SESSION –

The following Resolution was introduced for adoption:

RESOLUTION #2015-62

Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

WHEREAS, the Township Committee of the Township of Union is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et. seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. _____ Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
2. _____ Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
3. _____ Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program , including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
4. _____ Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
5. _____ Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
6. _____ Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

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7. X Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

8. _____ Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

9. _____ Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, assembled in public session on April 15, 2015 at 8:16 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Hirt	X		X			
Ms. McBride			X			
Mr. Bischoff			X			
Mr. Mazza			X			

Motion Carried

The Committee returned to the regular meeting at 8:44 p.m.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt			X			
Ms. McBride			X			
Mr. Bischoff		X	X			
Mr. Mazza			X			

Motion Carried

Atty. Jost asked for a following motion to be approved:

To authorize Mr. Bischoff to discuss the quote from Elizabeth McManus, Clarke Caton Hintz and to agree on behalf of the Township Committee to an equitable figure that is satisfactory to Mr. Bischoff and within the parameters discussed in Executive Session.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt			X			
Ms. McBride		X	X			
Mr. Bischoff			X			

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Mr. Mazza			X			
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Motion Carried

Atty. Jost asked for a following motion to be approved:

To authorize the Township Attorney to prepare the required amendment to 2015 Gyruo Farm Lease to extend the Lease to five years beginning January 2015, so as to qualify for an NRCS Grant, subject to Attorney review and acceptable to Ms. McBride, with the provision that the Lease would revert to three years, if the Grant is not obtained.

Roll Call Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Hirt		X	X			
Ms. McBride			X			
Mr. Bischoff			X			
Mr. Mazza			X			

Motion Carried

18. ADJOURNMENT

There being no further business to come before the Township Committee at this time Mr. Bischoff made a motion to adjourn the meeting at 8:46 p.m. Mr. Severino seconded the motion. Motion carried by unanimous favorable roll call vote.

Prepared by: Grace Kocher, Deputy Clerk

Frank Mazza, Mayor